

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS

UNITED STATES OF AMERICA,)	
)	
)	
v.)	Case No. 4:97-CR-00243-JLH
)	(Capital Case)
)	
DANIEL LEWIS LEE.)	

**GOVERNMENT’S UNOPPOSED MOTION FOR EXTENSION OF
TIME TO RESPOND TO LEE’S § 2255 MOTION**

The United States respectfully requests a 14-day extension of time, until November 26, 2018, to file its responsive brief in the above-captioned case. In support of this motion, the government’s undersigned attorney states as follows:

1. Defendant Daniel Lewis Lee was convicted of three counts of capital murder and sentenced to death in 1999. The court of appeals affirmed on direct appeal and also affirmed this Court’s denial of Lee’s motion for collateral relief under 28 U.S.C. § 2255. This Court subsequently dismissed a second or successive § 2255 motion by Lee because he failed to obtain certification by the court of appeals, as required by 28 U.S.C. § 2255, and

therefore this Court lacked jurisdiction. The court of appeals affirmed that judgment as well, and the Supreme Court denied certiorari.

2. Lee filed another § 2255 motion on September 10, 2018, and this Court directed the government to respond. The Court subsequently granted a request by the government to limit its response to whether this Court possesses jurisdiction over Lee's § 2255 motion. The Court also granted the government an additional 31 days to respond to Lee's motion, making the government's response due on or before November 12, 2018.

3. The government respectfully requests additional time to prepare a response brief that sufficiently addresses the jurisdictional issue presented in this case. Although the undersigned has made substantial progress in preparing the government's response brief, the undersigned has also been required to devote time to other matters, including drafting the government's answering brief in *Jeffrey Tarrats v. Warden Allenwood FCI*, No. 18-1449 (3d Cir.) (brief filed on Oct. 19, 2018), and drafting the response to the petition for certiorari in *Shane K. Floyd v. United States*, No. 18-5118 (Sup. Ct.) (brief due to be filed on Nov. 9, 2018).

4. The undersigned has contacted counsel for Lee, and they do not oppose this extension request.

Wherefore, the United States respectfully requests that the Court grant this motion for a 14-day extension to November 26, 2018, to file the government's response.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States District Court for the Eastern District of Arkansas using the CM/ECF system on November 7, 2018. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

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